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Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy

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Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy

Summary

Sudan, geographically the largest country in Africa, has been ravaged by civil war intermittently for four decades. An estimated 2 million people have died over the past two decades due to war-related causes and famine, and millions have been displaced from their homes. There have been many failed attempts to end the civil war in southern Sudan, including efforts by Nigeria, Kenya, Ethiopia, former President Jimmy Carter, and the United States. To that end, the heads of state from Ethiopia, Eritrea, Kenya, and Uganda formed a mediation committee under the aegis of the Inter-Governmental Authority for Development (IGAD) and held the first formal negotiations in March 1994.

In July 2002, the Sudan government and the Sudan People's Liberation Army (SPLA) signed a peace framework agreement in Kenya. In early September, the government of Sudan walked out of the Machakos talks and returned under pressure in early October 2002. On May 26, 2004, the government of Sudan and SPLA signed three protocols on Power Sharing, on the Nuba Mountains and Southern Blue Nile, and on the long disputed Abyei area. The signing of these protocols resolved all outstanding issues between the parties. On June 5, 2004, the parties signed "the Nairobi Declaration on the Final Phase of Peace in the Sudan." On January 9, 2005, the government of Sudan and the Sudan People's Liberation Movement signed the final peace agreement at a ceremony held in Nairobi, Kenya. The signing of the Sudan Comprehensive Peace Agreement effectively ended the 21-year old civil war and triggered a six-year Interim Period.

Meanwhile, the ongoing crisis in Darfur in western Sudan has led to a major humanitarian disaster, with an estimated 1.9 million people displaced and more than 213,000 people forced into neighboring Chad. Some observers project that up to 300,000 people have been killed over the past 24 months. In July 2004, the House and Senate declared the atrocities in Darfur genocide, and the Bush Administration reached the same conclusion in September 2004. On May 4, 2006, the Government of National Unity and the Sudan Liberation Movement/Army (SLM/A) signed the Darfur Peace Agreement (DPA) after almost two years of negotiations. The agreement was rejected by two other Darfur groups: the Justice and Equality Movement (JEM) and a splinter group from the SLM. The agreement calls for the integration of SLA troops into the Sudan Armed Forces, provides \$300 million initially and \$200 million for the next two years for reconstruction and compensation purposes for Darfur, and establishes the Transitional Darfur Regional Authority (TDRA). The agreement provides seats for the SLM in the national and regional parliaments and several top positions, including the chairmanship of the TDRA. The agreement also calls for the disarmament and demobilization of the Janjaweed.

This CRS report replaces CRS Issue Brief IB98043, *Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy*, by Ted Dagne. This report will be updated as circumstances warrant.

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Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy

Historical Context

In 1956, Sudan became the first independent country in sub-Saharan Africa, having gained independence from Britain and Egypt. For almost four decades, the east African country with current a population of 35 million people has been the scene of intermittent conflict. An estimated 2 million people have died over the past two decades from war-related causes and famine in southern Sudan, and millions more have been displaced. The Sudanese conflict, Africa's longest-running civil war, shows no sign of ending. The sources of the conflict are deeper and more complicated than the claims of most political leaders and some observers. Religion is a major factor because of the Islamic fundamentalist agenda of the current government, dominated by the mostly Muslim/Arab north. Southerners, who are Christian and animist, reject the Islamization of the country and favor a secular arrangement. Social and economic disparities are also major contributing factors to the Sudanese conflict.

The abrogation of the 1972 Addis Ababa agreement in 1983, which had ended the first phase of the civil war in the south, by former President Jaafer Nimeri is considered a major triggering factor in the current civil war. Although the National Islamic Front (NIF) government, which ousted the democratically elected civilian government in 1989, has pursued the war in southern Sudan with vigor, previous governments, both civilian and military, rejected southern demands for autonomy and equality. Northern political leaders for decades treated southerners as second-class citizens and did not see the south as an integral part of the country.

Southern political leaders argue that under successive civilian and military governments, political elites in the north have made only superficial attempts to address the grievances of the south without compromising the north's dominant economic, political, and social status. In recent years, most political leaders in the north, now in opposition to the current government, say that mistakes were made and that they are prepared to correct them. But the political mood among southerners has sharply shifted in favor of separation from the north. The current government seems determined to pursue the military option. Economic conditions have deteriorated significantly, and millions of southern Sudanese are at risk of starvation due to a serious humanitarian crisis, partly caused by the government's decision to ban United Nations relief flights.

The Crisis in Darfur: Background

The crisis in Darfur began in February 2003, when two rebel groups emerged to challenge the National Islamic Front (NIF) government in Darfur. The Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) claim that the government of Sudan discriminates against Muslim African ethnic groups in Darfur and has systematically targeted these ethnic groups since the early 1990s. The government of Sudan dismisses the SLA and JEM as terrorists. The conflict pits three African ethnic groups, the Fur, Zaghawa, and Massaleit, against nomadic Arab ethnic groups. Periodic tensions between the largely African-Muslim ethnic groups and the Arab inhabitants of Darfur can be traced to the 1930s and most recently surfaced in the 1980s. Successive governments in Khartoum have long neglected the African ethnic groups in Darfur and have done very little to prevent or contain attacks by Arab militias against non-Arabs in Darfur. Non-Arab groups took up arms against successive central governments in Khartoum, albeit unsuccessfully. In the early 1990s, the NIF government, which came to power in 1989, began to arm Arab militias and attempted to disarm the largely African ethnic groups.

The conflict in Darfur burgeoned when the government of Sudan and its allied militia began a campaign of terror against civilians in an effort to crush a rebellion and to punish the core constituencies of the rebels. At the heart of the current conflict is a struggle for control of political power and resources. The largely nomadic Arab ethnic groups often venture into the traditionally farming communities of Darfur for water and grazing, at times triggering armed conflict between the two groups. Darfur is home to an estimated 7 million people and has more than 30 ethnic groups, which fall into two major categories: African and Arab. Both communities are Muslim, and years of intermarriages have made racial distinctions impossible. Fighting over resources is one of several factors that has led to intense infighting in Darfur over the years. Many observers believe that the NIF government has systematically and deliberately pursued a policy of discrimination and marginalization of the African communities in Darfur, and has given support to Arab militias to suppress non-Arabs, whom it considers a threat to its hold on power. In 2000, after the ouster of the founder of the NIF, Hassan al-Turabi, and after a split within the Islamist Movement, the government imposed a state of emergency and used its new authority to crack down on dissidents in Darfur. By 2002, a little-known self defense force of a largely Fur-dominated group emerged as the SLA, challenging government forces in Darfur.

With the NIF regime internally in turmoil and mounting international pressure to end Sudan's North-South conflict, the SLA and JEM were able to gain the upper hand in the initial phase of the conflict against government forces in early 2003, and appeared well armed and prepared. The rebels also enjoyed the support of the local population, as well as officers and soldiers in the Sudanese army. A significant number of senior officers and soldiers in the Sudanese armed forces come from Darfur. The SLA reportedly benefitted from outside support, including from fellow Zaghawa in Chad and financial support from Darfur businessmen in the Persian Gulf region. The government of Sudan has accused Eritrea and the Sudan People's Liberation Movement/Army (SPLM/A) of providing support to the SLA. In late 2004, another Darfur armed group, the National Movement for Reform and

development (NMRD) emerged. Initial reports suggested that the NMRD was created by the government of Sudan in order to undermine the SLA and JEM. In December 2004, the NMRD and the government of Sudan signed a ceasefire agreement in Chad and a month later agreed to cooperate in facilitating the return of refugees from Chad to Darfur. Regional officials and Sudanese opposition figures note that the NMRD is being backed by the government of Chad and that the rebels wear uniforms and carry arms similar to those of the Chadian army.

The government of Sudan has accused the founder of the NIF, Hassan al-Turabi, of having links with JEM. Some observers say that Turabi, through his supporters, provides political and financial support to JEM. In late March 2004, Turabi was arrested along with a number of senior army officers. The government claimed that Turabi was behind an attempted coup, although officials in Khartoum seemed to back away from that claim by mid-April 2004. In late September 2004, the government of Sudan, once again, accused supporters of al-Turabi of an attempted coup. The government arrested more than 30 people, including military officials.

Recent Developments in Darfur

In late September 2005, fighting between the Sudan Liberation Army and the government of Sudan and its allies erupted in different parts of Darfur, marking the first major cease-fire violation in over a year. According to press reports, pro-government militia attacked in the area of Jabal Mara Mountains and in Koriba in north Darfur, killing 17 civilians. On September 20, the SLA launched an attack, capturing Sheiria, a town 45 miles northeast of Nyala, the capital of South Darfur. Two days later, government forces reportedly recaptured the town, although SLA officials stated that they simply withdrew from the town.

On September 15, 2005, the parties began talks under the auspices of the African Union (AU). The AU organized several workshops on wealth sharing, security related issues, and power sharing. Substantive talks would take place once the workshops are completed. In the Fifth Round of talks in June 2005, the parties signed the Declaration of Principles on political issues. The AU mediators are utilizing the Comprehensive Peace Agreement, which was agreed to by the government of Sudan and the SPLM in January 2005, as a framework for a negotiated settlement for Darfur.

A major complicating factor during these talks is the apparent division within the SLM. The SLM/SLA is informally split between the Secretary General of the SLM, Mini Minawi, and the Chairman, Abdel Wahid Nur. The rift between the two leaders began over a year ago over power. Most of the SLA commanders and fighters come from Minawi's Zagawa tribe, while Abdel Wahid's Fur tribe is the majority African tribe in Darfur. The commanders in the field, while largely supportive of Minawi, would like a conference to resolve the leadership crisis and come up with a united position for the talks in Nigeria. The conference is scheduled to begin on October 25, although there is a possibility it might be postponed. Abdel Wahid has rejected participation in the conference and has vowed to hold his own conference. If these conferences take place as scheduled, they will deprive the Nigeria talks of senior representation by the factions.

Meanwhile, humanitarian conditions continue to deteriorate. Attacks against civilians by the Arab militia known as the Janjaweed continued unabated, while attacks by the SLA against humanitarian convoys have increased. Abductions, harassment, and looting by the SLA and the JEM have also increased over the past several months. According to a U.N. report submitted by Secretary General Kofi Annan, “the abduction of national staff of non-governmental organizations (NGOs) reached alarming proportions at the beginning of July, with 10 members of NGOs being held by SLA” (Monthly Report of the Secretary General on Darfur. S/2005/523. August 11, 2005.)

Darfur Developments: Accountability for Atrocities

On July 22, 2004, the U.S. House of Representatives and the Senate unanimously passed resolutions (H.Con.Res. 467, S.Con.Res. 133) declaring the crisis in Darfur to be genocide, based on the five criteria for genocide enumerated in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide. On September 9, 2004, then Secretary of State Colin Powell, in his testimony before the Senate Foreign Relations Committee, declared the atrocities in Darfur genocide. Secretary Powell stated that, after reviewing evidence collected by the State Department team, “genocide has been committed in Darfur and that the Government of Sudan and the Janjaweed bear responsibility — and that genocide may still be occurring.” Powell further stated that because the United States is a contracting party to the Geneva Convention, Washington will demand that the United Nations “initiate a full investigation.” Shortly after Powell’s testimony, a draft U.N. resolution (1564) was adopted.

The resolution requested the Secretary General of the United Nations to “establish an international commission of inquiry in order to immediately investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable.” The declaration of genocide by the Bush Administration did not lead to a major shift in U.S. policy or a threat of intervention to end genocide. Instead, Bush Administration officials continued to support a negotiated settlement between the rebels in Darfur and the government of Sudan. But continued violence in Darfur and the government’s failure to disarm the Janjaweed militia has further strained relations between Khartoum and Washington.

In late January 2005, the International Commission of Inquiry on Darfur submitted its report to Secretary General Kofi Annan. The 176-page report provided a detailed accounting of atrocities committed by the government of Sudan and its Janjaweed militia allies. The Commission declared that “based on thorough analysis of the information gathered in the course of the investigations, the Commission established that the Government of Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law.”¹ The Commission found, however, that “the

¹ Report of the International Commission of Inquiry on Darfur to the United Nations
(continued...)

Government of Sudan has not pursued a policy of genocide.” The Commission, while acknowledging that government officials and other individuals may have committed genocidal acts, stated that “the crucial element of genocidal intent appears to be missing.” The Commission submitted a sealed document with 51 suspects for prosecution by the International Criminal Court (ICC).

U.S. officials argue that the government of Sudan is responsible for genocide in Darfur, despite the Commission’s conclusion of no genocidal intent. Washington initially rejected the Commission’s referral of these cases to the ICC. U.S. opposition to the ICC is unrelated to the Darfur case. It is largely driven by concerns about the potential prosecution of U.S. personnel by the ICC. Because of this concern, the United States is not signatory to the ICC. In March, the United States abstained on Security Council Resolution 1593, paving the way for its passage. In June 2005, the Special Prosecutor of the ICC formally began an investigation. ICC spokesman Yves Sorokobi indicated that the decision to launch the investigation came after the ICC had finished its analysis of the referral by the UN Security Council. This included, he said, consultations with experts and ensuring that ICC had met statutory requirements before beginning the investigations.

Prospects for a Negotiated Settlement in Darfur

In September 2003, the government of Sudan and the SLA signed a cease-fire agreement mediated by President Idriss Deby of Chad, which collapsed in December 2003. In early April 2004, the government of Sudan and the SLA/JEM agreed to a cease-fire and political dialogue to peacefully resolve the conflict. The government of Sudan agreed to negotiate with the rebels after considerable international pressure. The negotiations were conducted under the auspices of President Deby of Chad and assisted by the African Union. The United States and other international participants played an important role in facilitating the negotiations, although the government of Sudan delegation walked out of the talks in protest when the head of the U.S. delegation began to deliver his opening remarks.

On April 8, 2004, the parties agreed to observe a cease-fire for a period of 45 days, renewable automatically if both parties were to agree. In late May, the parties renewed the cease-fire agreement. However, attacks by the pro-government militia have been verified by the cease-fire commission established under the April Accord. These violations by the government of Sudan and the Janjaweed militia have stalled the peace negotiation process. Leaders from the Justice and Equality Movement (JEM) and the Sudan Liberation Movement (SLM) initially refused to participate in talks in July in Addis Ababa, Ethiopia because they maintained that the Sudanese government failed to uphold the core elements of the April Cease-fire agreement. In late August 2004, the parties resumed negotiations in Abuja, Nigeria. In November 2004, the government of Sudan and the Darfur armed factions signed two agreements in Abuja, Nigeria: Agreement for Enhancing of the Security Situation in Darfur and Agreement on Humanitarian Situation. Many observers, however, believe that political agreement between the rebels and the government of Sudan appears unlikely

¹ (...continued)

Secretary General. January 25, 2005.

at this juncture. The SLA and JEM are reportedly demanding fundamental changes in the political structure in Khartoum and the disarmament of the Janjaweed, and the government of Sudan is reportedly unwilling to meet these demands.

On June 10, 2005, the SLA/JEM and the government of Sudan began another round of negotiations in Abuja, Nigeria. The African Union gave the parties to the conflict a draft framework agreement to consider. The parties were expected to present their own proposal during the negotiations. However, the negotiations were stalled for days over the role of Chad. The SLA and JEM accused the government of Chad of being biased in favor of the government of Sudan and demanded the removal of Chad as a mediator. Earlier in the talks the government of Sudan rejected the participation of Eritrea in the Abuja talks, arguing that Eritrea backs the rebels in Darfur and Eastern Sudan. Eritrea and Sudan have been fighting a proxy war since the early 1990s, with Sudan backing the Eritrean Islamic Jihad and other Eritrean opposition groups. Eritrea provides support to the opposition group the National Democratic Alliance and the rebels in Darfur and eastern Sudan. Observers argue that Eritrean participation is key in order to find a solution to the Darfur crisis as well as to the looming tension in Eastern Sudan. In May 2005, the Chairman of the AU Commission, Alpha Oumar Konare, appointed former OAU Chairman, Salim Salim, as the AU Special Envoy for the Inter-Sudanese Peace Talks in Darfur. On September 15, 2005, the parties resumed talks in Abuja, Nigeria.

On May 4, 2006, the Government of National Unity and the Sudan Liberation Movement (SLM) signed the Darfur Peace Agreement (DPA) after almost two years of negotiations. The agreement was rejected by two other Darfur groups: the Justice and Equality Movement (JEM) and a splinter group from the SLM. The agreement calls for the integration of SLA troops into the Sudan Armed Forces, provides \$300 million initially and \$200 million for the next two years for reconstruction and compensation purposes for Darfur, and establishes the Transitional Darfur Regional Authority (TDRA). The agreement provides seats for the SLM in the national and regional parliaments and several top positions, including the chairmanship of the TDRA. The agreement also calls for the disarmament and demobilization of the Janjaweed.

The Humanitarian Situation and the U.S. Response

U.S. Funding

The United States contributed more than \$93.7 million in humanitarian assistance to Sudan in fiscal year (FY)2000, \$154.7 million in FY2001, \$139.7 million in FY2002, and \$162.9 million in FY2003. Moreover, the United States is providing development aid in opposition-controlled areas to build the capacity of civil administration, conflict resolution, and assist indigenous non-governmental organizations. In 2002, the Bush Administration announced two major development programs for southern Sudan and significantly increased the development budget. According to USAID, the Southern Sudan Agricultural Revitalization Project provides \$22.5 million for a five year program to improve agricultural production.

The Sudan Basic Education Program is a five-year, \$20 million program designed to improve access to quality education.

In FY2004, the United States provided \$170 million in humanitarian and development assistance. In FY2005, Sudan (southern Sudan) was to receive an estimated \$200.9 million. Total obligated funds for southern Sudan for FY2005 were \$380 million. For FY2006, the Administration has requested \$112 million.

In addition, the Administration had requested \$242.4 million for Darfur and \$100 million for southern Sudan in the FY2005 Supplemental Appropriations for Iraq, Afghanistan, and other activities. On March 7, 2005, the House Appropriations Committee approved in full the requested amount for Darfur and \$37 million for southern Sudan. The full House approved \$342.4 million for Darfur, \$100 million higher than requested, although the additional funds are all for refugee, food, and disaster programs. The Senate approved \$242.4 million for Darfur and \$100 million for southern Sudan. The conferees approved \$37 million for southern Sudan and up to \$240 million in food aid for Darfur. In addition, the conferees approved \$40 million for refugee aid, and \$40 million in International Disaster and Famine Assistance (IDFA) funds for Darfur. (P.L. 109-13; H.Rept. 109-72). Estimated funding for Darfur for FY2006 is \$209 million. Estimated funding for Darfur for FY2007 is \$192.5 million and \$290.9 million for other parts of Sudan, primarily to southern Sudan.

In February 2006, the Bush Administration submitted a supplemental appropriations request for Iraq, Afghanistan, funding for the Gulf Coast hurricanes, and other foreign policy priorities. The Administration requested \$514.1 million for Sudan/Darfur. On March 16, 2006, the House approved \$618.1 million: \$499.1 million for Darfur (\$66.3 million for IDFA, \$11.7 million for refugees, \$173 million for African Union peacekeeping, \$150 million for food aid, \$98.1 million for CIPA-U.N. peacekeeping), and \$119 million for southern Sudan (\$12.3 million for refugees, \$75 million for food aid, \$31.7 for Contributions to International Peacekeeping Activities (CIPA)-U.N. peacekeeping). On April 4, 2006, the Senate Appropriations Committee approved \$564 million for Sudan/Darfur: \$125 million for south Sudan and \$439 million for Darfur. On May 4, 2006, the full Senate approved \$624 million for Sudan: \$125 million for Southern Sudan and \$499.1 million for Darfur.

Humanitarian Situation at a Glance

2.61 million	Conflict-Affected Persons in Darfur/Chad
1.8 million	Internally Displaced Persons (IDPs)
220,000	Refugees
70,000	Deaths (U.N.)
300,000-400,000	Other Mortality Estimates
\$1.453 billion	U.S. Assistance (FY2003-FY2005, as of 2/10/06)
\$1.030 billion	U.S. humanitarian assistance to Sudan and Eastern Chad (FY2005-FY2006, as of 7/14/06)

Source: USAID

The African Union and the Crisis in Darfur

The African Union (AU) has been slow in responding to the crisis in Darfur. The AU became actively engaged during the cease-fire negotiation in Chad and subsequently assumed a central role in monitoring the cease-fire agreement and facilitating political dialogue between the government of Sudan and SLA/JEM. In late March 2004, the AU sent a team led by Ambassador Sam Ibok, Director of the AU's Peace and Security Department, to participate in talks in Chad. In the April Cease-Fire Agreement, the African Union was tasked to take the lead in the creation of a Cease-Fire Commission. The Commission's mandate consists of "planning, verifying and ensuring the implementation of the rules and provisions of the cease-fire agreement." In addition, the Commission was mandated to define the routes for the movement of the respective forces, assist with demining operations, and collect information about cease-fire violations. The Commission reports to a Joint Commission composed of the parties to the agreement, Chad, and members of the international community. The African Union mission does not have the mandate to protect civilians; however, the estimated 5,200 troops primarily from Rwanda, Nigeria, and Gabon are tasked to protect the AU cease-fire monitors in Darfur.

The limited mandate of the AU force, logistical and financial troubles of the organization, and the size of the force have made the AU mission inefficient, according to many observers. The deployment of the AU force, albeit small, took more than four months after the signing of the agreement. Moreover, even the limited mandate of monitoring of the cease-fire agreement has not been effective. The mandate does not have any enforcement mechanisms aside from reporting the violations to the Joint Commission. Since the signing of the cease-fire agreement and the deployment of the AU mission, there have reportedly been many violations and only a limited number of the violations have been reported to the Joint Commission, although violence against civilians has gone down significantly over the past several months. Moreover, no apparent corrective measures have been taken by the AU to end these violations, although major violations by the parties have gone down, except for the late September 2005 attacks by pro-government militia against the SLA and an attack by the SLA in the same period.

President Paul Kagame of Rwanda, who came to power after the 1994 Rwandan genocide, had stated that his country would respond if called to end genocide in Sudan during a speech in April 2004 at the tenth anniversary of the Rwandan genocide. Rwanda was the first to deploy troops as part of the AU mission. Senior Rwandan officials have also asserted that despite the limited mandate, Rwandan troops would defend civilians, if they are attacked. Rwanda has not yet followed through on its promise, however, although in late 2004 Rwandan troops blocked Janjaweed militia intending to attack a civilian village. Rwandan troops took up positions to prevent the Janjaweed from their planned attack on the village and refused the Janjaweed's demand to disarm. Rwandan government officials argue that it is better to have a small force present in Darfur than to have nothing at all. However, Kigali has made its views clear that the proposed expanded force should have a mandate to protect civilians. Many members of the African Union do not share the view that a genocide is occurring in Darfur and still consider the government of Sudan as the central player in the resolution of the conflict and protector of

civilians, while U.S. and U.N. officials hold the government of Sudan responsible for the atrocities in Darfur.

In May 2005, the African Union announced that it would increase the number of AMIS to 7,700, including a 1,500-member police force. Deployment of these additional troops began in July and full deployment to Darfur was slated to be completed by the end of October 2005. The United States has provided over \$150 million in support of AMIS over the past two year. Meanwhile, the North Atlantic Treaty Organization (NATO) and the European Union are providing transport, logistics, and communications support for the expanded African Union force. In May 2005, at a donors' conference in Ethiopia, an estimated \$291 million was pledged by donor governments in support of the AU mission. African Union officials have indicated that they plan to further increase the number of observers and protection force in 2006. AU is expected to boost the number of troops to 12,000. Some observers have called for up to 15,000 troops, while others have called for a much higher number of troops with a mandate to protect civilians. As of February 2006, the African Union has deployed an estimated 7,700 personnel, as force protection, military observers, and civilian police.

In January 2006, the African Union stated that transforming the African Mission in Sudan (AMIS) force into a United Nations force is acceptable in principle. In March, the African Union agreed to accept a United Nations peacekeeping mission for Darfur. Meanwhile, the Security Council gave authorities in the U.N. a task to come up with options for a U.N. peacekeeping operation. The U.S. and the United Nations are considering several options, including transforming the current AU force in Darfur and expanding the mandate of the U.N. peacekeeping mission in Sudan, deployed in support of the north-south peace agreement.

The North-South Peace Agreement: Current Status

On January 9, 2005, the government of Sudan and the SPLM, after two and half years of negotiations, signed the Sudan Comprehensive Peace Agreement at a ceremony in Nairobi, Kenya. More than a dozen heads of state from Africa attended the signing ceremony. Secretary of State Colin Powell, who led the U.S. delegation, reportedly urged the government of Sudan and the SPLM to end the conflict in Darfur. The signing of this agreement effectively ended the 21-year old civil war and triggered a six-year Interim Period. At the end of the Interim Period, southerners will hold a referendum to decide their political future. National, regional, and local elections are to take place during the second half of the Interim Period.

In June 2005, the Drafting Commission finished its work and presented the draft constitution to the government of Sudan and to the SPLM. The National Assembly in Khartoum and the SPLM Leadership Council ratified the constitution, and on July 9, 2005 signed the Interim National Constitution (INC). The same day, shortly after the signing of the INC, the Presidency, consisting of the President, First Vice President, and a Vice President, was inaugurated. In July 2005, the Abyei Boundary Commission, established to define and demarcate the area of the nine Dinka chiefdoms, finished its work and submitted its report to President Bashir. The President has yet to implement the conclusions of the Commission, as called for in the Comprehensive Peace Agreement. The United Nations has deployed military

personnel to the area to help calm the situation, but tensions between the Ngok Dinka and the Arab Misseriya remain high in Abyei. Meanwhile, a number of key commissions are awaiting action by the Presidency. The Assessment and Evaluation Commission is yet to be established as well as the National Reconstruction and Development Fund, the Boundary Commission, and the Joint Defense Board.

Agreements concerning the National Capital would be implemented by the Presidency in which the Administration of the National Capital and representation of southern Sudanese in the enforcement agencies of the National Capital would be decided. Mechanisms to secure the rights of non-Muslims in the National Capital are to be put in place after the enactment of the Interim Constitution. In the Power Sharing Agreement, the parties agreed to a 28% SPLM and 52% National Congress Party (NCP) arrangement across all sectors of government, including the Executive, the Legislature, and the Judiciary. An estimated 1,500 SPLA troops were deployed to Khartoum, after a two month delay, to be part of the Joint Integrated Units. These troops are currently based outside Khartoum awaiting a decision for integration with troops from the government side. The SPLA has also deployed an estimated 1,000 troops to Juba, and more troops would be deployed in the coming months, as called for in the Comprehensive Peace Agreement (CPA). The parties concede that there might be some delays in the implementation of these agreements, although the Modalities of Implementation Agreement has built in mechanisms and procedures to manage such issues. Meanwhile, the government of Sudan and the SPLM continue to engage their respective constituencies about the implementation of the peace agreement and are reaching out to regional and international actors for assistance.

On July 30, 2005, First Vice President and Chairman of the Sudan People's Liberation Movement (SPLM), Dr. John Garang, was killed in a plane crash in southern Sudan (discussed below). His death triggered violence between government security forces and southerners in Khartoum and Juba. More than 100 people were killed. The government of Sudan has established a committee to investigate the violence. The crash was investigated by a team from Sudan, Uganda, Russia, United Nations (UN), and the United States. The final report was issued in April 2006.

In early August 2005, the SPLM Leadership Council appointed Salva Kiir as Chairman of the SPLM and First Vice President of Sudan. Salva Kiir had served as Garang's deputy after the SPLM split in 1991 (more on Kiir below). He was officially sworn in as First Vice President in the National Unity Government (NUG) on August 11, 2005. Kiir stated that he would continue to pursue implementation of the peace accord negotiated by the late Dr. Garang. According to Kiir, "the fundamental principles for which the SPLM, under Garang's leadership, has struggled, were not only the clauses in the Comprehensive Peace Agreement, CPA, that are meant to solve the current problem of war and peace. But no less important, [they] are the parameters which the CPA has set to save our country from disintegration and guide the ship of government to safe shores."

In late September 2005, after weeks of contentious negotiations, the SPLM and the NCP, formerly known as the NIF, agreed on a cabinet. At the core of the dispute was the distribution of key economic ministerial portfolios. The NCP insisted on keeping the Energy and Finance ministries, while the SPLM argued that each party

should be given one or the other. The SPLM ultimately gave up its demand and managed to secure eight ministries, including Foreign Affairs, Cabinet Affairs, Labor, Transportation, Health, Education, Humanitarian Affairs, and Trade. Several advisers were also appointed to the Presidency (the Presidency consists of President Bashir, First Vice President Kiir, and Vice President Osman Ali Taha), including two from the SPLM (see full list below). Dozens of senior positions in the ministries remain open. Reactions within the SPLM and in the southern Sudanese community have been negative. Many members of the SPLM and its supporters say that all key ministries went to the National Congress Party, with the exception of Foreign Affairs. According to sources within the SPLM leadership, First Vice President Salva Kiir himself acknowledged that the unfair distribution and domination of key posts by the ruling party will only strengthen the hands of those calling for separation.

On August 31, 2005, the National Assembly was inaugurated, although many seats remain unfilled. According to the Comprehensive Peace Agreement, the National Congress Party was allocated 52% of the seats (234), 28% to the SPLM (126), and the remaining 20% for the northern and southern opposition groups. The National Democratic Alliance, a coalition of Northern and Southern opposition parties, and its core member, the Democratic Unionist Party (DUP), are likely to participate in the National Assembly. An estimated 20 seats were allocated for the NDA/DUP, although the number of seats are likely to increase once negotiations are finalized. Seats allocated for other Southern parties have been designated, with 10 seats for the Union of Sudan African Parties (USAP), and a total of 17 for four southern opposition parties: the United Democratic Salvation Front, United Democratic Front, South Sudan Democratic Forum, and Sudan African National Union. Hassan al-Turabi's Popular National Congress (PNC) and Sadiq al-Mahdi's Umma party have decided not to participate in the National Assembly and the National Unity Government. They argue that the CPA was negotiated by two parties and therefore not inclusive.

U.S. Support for the Peace Agreement

The United States continues to play a key role in the North-South peace process, while pressing for a resolution of the Darfur crisis. Throughout the Inter-Governmental Authority for Development (IGAD)-sponsored talks, the Bush Administration engaged the parties at the highest levels, including calls by President Bush to the principals at critical times during the negotiations, and frequent visits to Kenya by senior State Department officials, where the talks were being conducted, according to Administration officials. President Bush's Special Envoy, former U.S. Senator John Danforth, also made several trips to the region to encourage the parties to finalize an agreement. Then Secretary of State Colin Powell was actively engaged in the peace process and traveled to Kenya to encourage the parties. U.S. financial support for the peace process and technical assistance during the talks were considered by the parties and the mediators as critical, according to Administration officials. The United States provided funding for the SPLM delegation for travel and other related expenses. American interventions at critical times during the negotiations reportedly helped break a number of stalemates, including during security arrangement talks and the three disputed areas.

Sustained U.S. pressure on the government of Sudan also helped secure the Comprehensive Peace Agreement. The Bush Administration, while maintaining U.S. bilateral sanctions, also engaged the government in critical dialogue and offered the normalization of bilateral relations as an incentive for the resolution of the Darfur crisis and settlement of the North-South conflict. U.S. policy toward Sudan is complicated because the same government that signed the peace agreement with the South is also the one engaged in atrocities in Darfur, which the Bush Administration and Congress declared is genocide. This position has led to some criticism of the Bush Administration, although many praise the Administration's sustained engagement in the North-South talks. According to some critics, the Administration did not initially consider the Darfur crisis to be a priority; and instead the Administration was largely focused on the talks between the government of Sudan and the SPLM. The first statement on Darfur by the White House, they point out, was issued in early April 2004. Some observers say that the Bush Administration and Congress, however, have been at the forefront in calling for an end to the crisis in Darfur and demanding accountability, especially since mid-2004.

In mid-April 2005, Deputy Secretary of State Zoellick traveled to Sudan to discuss the North-South peace agreement and the crisis in Darfur. He also led the U.S. delegation to a donor conference in Oslo, Norway, where donor governments pledged \$4.6 billion in aid to Sudan. The United States pledged \$1.7 billion; half of the pledge will require congressional approval because the some funds are for fiscal year 2006, while other funds are from already appropriated funds. In Khartoum, Zoellick met with First Vice President Osman Ali Taha to discuss the Darfur crisis as well as implementation of the CPA. He also visited Darfur and Rumbek, in southern Sudan, where he met the SPLA leadership. Zoellick reiterated the Bush Administration's support for the CPA and demanded a quick end to the violence in Darfur. Meanwhile, in April 2005, the CIA reportedly flew Sudan's security chief Abdalla Gosh to Washington, DC, for talks on counter-terrorism related issues. Human rights groups and some Members of Congress criticized the decision to bring Gosh to Washington, arguing that the visit sends the wrong message to Khartoum.

On July 12, 2005, the government of Sudan and C/L International, a lobby firm based in Washington, signed a contract to provide public relations services for \$530,000 a year. On August 10, 2005, C/L International filed a report, as required by the Foreign Agents Registration Act, with the Department of Justice. Executive Order 13067 prohibits American companies and citizens from doing business or any financial transaction with the government of Sudan. Reportedly, C/L International was given exemption by the Department of State, the first such measure since the imposition of these sanctions in 1997. In late September 2005, the State Department moved Sudan from Tier III country, worst offenders of Trafficking in Persons (TIP), to Tier II. According to the Presidential Determination Memorandum, the Secretary of State has determined that Sudan "is making significant efforts to bring itself into compliance."

The U.N. Mission for Sudan and U.N. Sanctions

On March 29, 2005, the Security Council passed Resolution 1591. The resolution calls for a freezing of assets and travel restrictions by U.N. member states against individuals “who impede the peace process, constitute a threat to stability in Darfur and the region, and commit violations of international humanitarian and human rights laws or other atrocities.” On March 29, 2005, the Security Council also passed Resolution 1593, referring the situation in Darfur to the Prosecutor of the International Criminal Court (ICC). The International Commission of Inquiry on violation of international humanitarian law and human rights law in Darfur recommended that the ICC prosecute individuals responsible for war crimes and crimes against humanity in Darfur.

In a January 2005, report to the Security Council, Secretary General Kofi Annan recommended a robust U.N. Peace Support Mission for Sudan (UNMIS). (Report of the Secretary General on Sudan (S/2005/57), January 31, 2005.) The Secretary General recommended the establishment of a “multi-dimensional” United Nations Peace Mission, under Chapter VI of the United Nations Charter. On March 24, 2005, the United Nations Security Council passed Resolution 1590 establishing the United Nations Mission in Sudan (UNMIS). Resolution 1590 calls for coordination between AMIS and UNMIS, authorizes the deployment of 10,000 military personnel and up to 715 civilian police personnel, gives UNMIS the mandate to support the implementation of the Comprehensive Peace Agreement, and authorizes a Chapter VII mandate for UNMIS.

The mandate for the U.N. Mission in Sudan would

- Support implementation of the Comprehensive Peace Agreement,
- Support the National Unity Government,
- Support the Assessment and Evaluation Commission,
- Support the African Union efforts in the Abuja peace process,
- Promote Efforts to resolve the Darfur Crisis,
- Monitor the Cease-Fire Agreement signed between GOS and the SPLM,
- Protect civilians under imminent threat of physical violence, and
- Provide assistance in governance, humanitarian areas, IDPS, and demining.

As of early September 2005, UNMIS had deployed more than 2,300 military personnel, including 153 military staff officers, 145 military observers, and 2,011 troops to seven sectors: Sector 1: Juba, Sector 2: Wau, Sector 3: Malakal, Sector 4: Kadugli, Sector 5: El-Damazin, Sector 6: Abyei, and Sector 7: Kassala. The United Nations has not yet secured a Status of Forces Agreement from the parties. According to a recent report to the Security Council, Secretary General Kofi Annan stated that “the Government has been reluctant to accept some major operational requirements of the Mission, which are in accordance with the established practices and principles of peacekeeping, in particular with respect to the self registration of UNMIS

vehicles.”² Other unresolved issues include the hiring of local staff by UNMIS and on privileges and immunities for UNMIS staff. Earlier, the SPLM expressed reservations about the size and makeup of UNMIS. SPLM officials argued that in light of the crisis in Darfur, the proposed force is too large for the South and could be used to augment the African Union forces in Darfur. Concerns about the make-up of the force, which SPLM officials earlier had alleged come primarily from pro-government countries, appear resolved, with more than 30 countries contributing personnel to UNMIS.

The Humanitarian Crisis (South Sudan)

The 21-year civil war, drought, and raids by government-backed militias and rebel groups have disrupted the distribution of food aid and obstructed assessments of need in severely affected areas. The crisis has escalated dramatically in recent years. The scorched-earth techniques used by pro-government militias have decimated fields and homes and forced tens of thousands of people to flee the war-torn areas. Many relief centers and hunger-stricken areas are inaccessible by ground transportation because roads were destroyed, did not exist or are impassible due to rain and mud. In February 2002, government helicopter gunships bombed Bieh in Western Upper Nile, while civilians were lined up at a food distribution center. Seventeen people were killed and many more injured.

U.S. Response

The United States contributed more than \$93.7 million in humanitarian assistance in fiscal year (FY)2000, \$154.7 million in FY2001, \$139.7 million in FY2002, and \$162.9 million in FY2003. Moreover, the United States is providing development aid in opposition-controlled areas to build the capacity of civil administration, conflict resolution, and assist indigenous non-governmental organizations. In 2002, the Bush Administration announced two major development programs for southern Sudan and significantly increased the development budget. According to USAID, the Southern Sudan Agricultural Revitalization Project provides \$22.5 million for a five year program to improve agricultural production. The Sudan Basic Education Program is a five-year \$20 million program designed to improve access to quality education. In FY2004, the United States provided \$170 million in humanitarian and development assistance. In FY2005, Sudan (southern Sudan) was expected to receive and estimated \$200.9 million.

For FY2006, the Administration requested \$109 million in development assistance, education, and economic recovery. Congress approved (H.Rept. 109-265, P.L. 109-102) \$70 million in development aid, \$20 million in ESF funds. The conferees removed \$50 million for African Union Mission (AMIS) support. Sudan is also expected to receive an estimated \$100 million in IDFA funds. In addition, the Administration had requested \$242.4 million for Darfur and \$100 million for southern Sudan in the FY2005 Supplemental Appropriations for Iraq, Afghanistan, and other activities. On March 7, 2005, the House Appropriations Committee

² Report of the Secretary General on Sudan. September 12, 2005. S/2005/579.

approved the full requested amount for Darfur and \$37 million for southern Sudan. The full House approved \$342.4 million for Darfur, \$100 million higher than requested, although the additional funds are all for refugee, food, and disaster programs. The Senate approved \$242.4 million for Darfur and \$100 million for southern Sudan. The conferees approved \$37 million for Southern Sudan and up to \$240 million in food aid for Darfur.

Sudan and Terrorism

Sudan is considered a rogue state by the United States because of its support of international terrorism, although in recent years it has taken some measures to improve its record. The United States placed Sudan on the list of states that sponsor terrorism in August 1993 after an exhaustive interagency review and congressional pressure. Sudan has been a safe haven for major terrorist figures. A particularly noteworthy example is Osama bin Laden. He used Sudan as a base of operations until mid-1996 when he returned to Afghanistan, where he had previously been a major financier of Arab volunteers in the war against the Soviet occupation of Afghanistan. The government of Sudan claims that it expelled bin Laden from Sudan due to pressures from the Middle East and the United States. In August 1996, the State Department said that bin Laden was “one of the most significant financial sponsors of Islamic extremist activities in the world today.”

On May 18, 2004, the State Department removed the government of Sudan from a list of countries considered “noncooperative” in the war against terrorism. State Department spokesman Richard Boucher stated that “Sudan has taken a number of steps in cooperation against terrorism over the past few years.” Then Secretary of State Colin Powell later declared that the U.S. will not normalize relations with the government of Sudan until the Darfur situation is addressed. On November 1, 2005, President Bush renewed Executive Order 13067, imposing economic sanctions on the government of Sudan, for one year. The president justified the continuation of sanctions against Sudan “because the actions and policies of the Government of Sudan continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.”

Sudan: Religious Persecution

Sudan has been designated a Country of Particular Concern for severe violation of religious freedom since 1999. According to the 2004 *International Religious Freedom Report*, the government “continues to place many restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party.” The report notes that there was “no significant change in practice concerning the status of respect for religious freedom during the period covered” by the report and states that relations among religious groups have improved, although restrictions and discrimination against non-Muslims remain unchanged.

The government of Sudan views itself as the protector of Islam and considers Islam as the state religion. The regime is closely identified with Islamic extremist

groups, including Hamas and Hezbollah. Political opponents are viewed as anti-Islam and religion has been a key factor in the 20-year civil war that has pitted the largely Christian South against the Muslim-dominated North. Of the estimated Sudanese population of more than 35 million, Sunni Muslims comprise 70%, while the remaining 30% are Christians and animists. The National Islamic Front (NIF) government's practice of 'holy war' is reflected in attacks on civilians in the South. Some attackers are wooed in part by the tradition that during a *jihad* they can keep their booty. The result reportedly has been widespread institutionalized slavery and massive dislocation. The 2004 International Religious Freedom Report stated that "while non-Muslims may convert to Islam, the law makes apostasy punishable by death." Previous reports have singled out the government of Sudan as a major abuser of religious rights. In recent years, the United States has intensified its dialogue with the government of Sudan to help bring an end to the conflict and to encourage religious freedom and respect for human rights. The government of Sudan has taken important measures to end slave raids, provide access for humanitarian assistance, and improve human rights conditions in southern Sudan. The government of Sudan, nonetheless, strictly enforces harsh measures under *shari'a*, or Islamic law, against Christians in the North, despite repeated claims by government officials that Christians are exempted from *shari'a* laws.

109th Congress Legislation

H.R. 1424 (Payne)

Urges imposition of sanctions against the government of Sudan and authorizes use of force. Introduced March 17, 2005.

H.R. 3127 (Hyde)

Calls for protection of civilians in Darfur, Sudan, and urges imposition of sanctions on the government of Sudan. Introduced June 30, 2005. Passed the House April 5, 2006 (416-3).

S. 495 (Corzine)

Urges the United Nations to impose sanctions. Introduced March 2, 2005.

S. 1462 (Brownback)

On November 18, 2005, the Senate passed S. 1462, the Darfur Accountability Act, by unanimous consent. The act condemns the government of Sudan for the atrocities in Darfur, imposes punitive measures, and calls for the continuation of existing sanctions.

S.Con.Res. 17 (Biden)

Calls on the North Atlantic Treaty Organization to examine options to enforce a no-fly Zone in Darfur, Sudan. Introduced March 10, 2005.